REMARKS

Applicants respectfully request consideration of the subject application as amended herein. This Amendment is submitted in response to the Office Action mailed on January 6, 2009. Claims 1-40 and 57-61 are rejected. In this Amendment, claims 1, 17, 33 and 57 have been amended. Claims 5, 6, 10, 11, 15, 16, 21, 22, 26, 27, 31, 32, 39 and 40 have been canceled. No new claims have been added. Therefore, claims 1-4, 7-9, 12-14, 17-20, 23-25, 28-30, 33-38 and 57-61 are presented for examination.

Support for Claim Amendments

Support for the claim amendments can be found in various passages of the specification, some examples of which include paragraphs [0054], [0056], [0058], [0072]-[0074], and [0082].

Rejections Under 35 U.S.C. § 103

Claims 1-40 and 57-61 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Moulden, Jr., et al., (U.S. Publication No. 2006/0206870 A1, hereinafter "Moulden") in view of Caswell, (U.S. Patent No. 5,964,891, hereinafter "Caswell") and further in view of Johnson, (U.S. Patent No. 5,557,740, hereinafter "Johnson").

As amended, claim 1 recites:

> A method, comprising:
> receiving, by a server computer, commands identifying a checksuite from a web browser, the checksuite including one or more individual checks, each check being configured to monitor a parameter of an operating system or a software program that runs on an operating system, wherein the checksuite includes first individual checks that are configured to monitor parameters of a first operating system and second individual checks that are configured to monitor parameters of a second operating system;
> selecting, by the server computer, the checksuite for editing based on the commands, wherein an original version of the checksuite having been applied to two or more previously selected machines having different operating systems, and **wherein subsequent to being applied to the two or more previously selected machines, the checksuite was customized for a first machine of the two or**

more previously selected machines, a customized version of the checksuite having one or more customizations, the customizations corresponding to checks that differ from checks in the original version of the checksuite;

receiving, by the server computer, additional commands for editing the checksuite from the web browser;

editing, by the server computer, the checksuite based on the additional commands, the editing including at least one of removing an existing individual check from the checksuite, modifying the existing individual check, or adding a new individual check to the checksuite; and

simultaneously applying the edited checksuite to the first machine, which includes the first operating system, and a second machine that includes the second operating system, wherein the first machine and the second machine are each one of the two or more previously selected machines or one or more additional machines, and **wherein applying the edited checksuite to the first machine preserves the one or more customizations**.

(emphasis added).

Independent claims 17, 33 and 57 have been similarly amended.

Moulden teaches tools (e.g., test suites) that a software developer can use to test new software on a computer. (Moulden, par. [0003]). In Moulden, a test suite can be applied to multiple different machines. However, Moulden does not teach customizing an already applied test suite for a single machine after the test suite has been applied to multiple machines (of which the single machine is a member). Instead, Moulden teaches that a test suite is generated, edited and saved before it is applied to the multiple machines. (Moulden, par. [0051]). In Moulden, if a user wishes to apply a different version of a test suite to a particular machine than will be applied to other machines, then a separate test suite must be generated for the particular machine prior to applying the test suite. These would then be independent test suites, and modifying one of these independent test suites would not change the other of the independent test suites.

Moreover, even if, for the sake of argument, Moulden did teach applying a test suite to multiple machines, and then customizing the test suite as applied to one of the multiple machines, Moulden still would not teach preserving the customizations made for the one machine if the test suite is modified and reapplied to the multiple machines. In Moulden, if a user wishes to apply a modified version of an already applied test suite, the user loads the saved

test suite with a suite manager, edits it, and then reapplies the test suite to the multiple machines. (Moulden, par. [0060], [0063], [0051]. The reapplication of the test suite would replace the previously applied test suite. Therefore, any customizations that might have hypothetically been made to a particular instance of the test suite would be lost upon reapplying the edited version of the test suite.

In contrast to Moulden, as amended claim 1 recites, "subsequent to being applied to the two or more previously selected machines, the checksuite was customized for a first machine of the two or more previously selected machines, a customized version of the checksuite having one or more customizations" and "applying the edited checksuite to the first machine … and a second machine …, wherein applying the edited checksuite to the first machine preserves the one or more customizations." Claims 17, 33 and 57 have been amended to include similar limitations. Accordingly, Moulden fails to teach or suggest all of the features of independent claims 1, 17, 33 and 57.

Caswell teaches a diagnostic system that includes multiple diagnostic modules, each of which is preconfigured to perform one or more particular tests. (Caswell, Abstract). In Caswell, the tests that each diagnostic module is able to perform are predetermined tests designed for a particular system. (Caswell, col. 7, lines 21-28). Caswell teaches that these tests are known test routines that the diagnostic modules are preconfigured to run. (Caswell, col. 9, lines 54-57; col. 11, lines 1-8). Caswell does not teach or suggest making any modifications to the diagnostic modules. Nor does Caswell teach that upon applying new versions of diagnostic modules, custom modifications are preserved. Accordingly, Caswell fails to teach or suggest the features of claims 1, 17, 33 and 57 that are missing from Moulden.

Johnson teaches a system for testing device drivers across multiple different operating system platforms. (Johnson, Abstract). However, Johnson does not teach customizing a driver test after it is applied to a machine. Moreover, in Johnson if a test is applied to a machine,

subsequently edited, and then reapplied to the machine, the original test would be replaced. Accordingly, Johnson does not teach all of the features of claims 1, 17, 33 and 57 that are missing from Moulden and Caswell.

None of Moulden, Caswell or Johnson, alone or in combination, teach or suggest all of the features of independent claims 1, 17, 33 and 57. Accordingly, Applicants respectfully submit that claims 1, 17, 33 and 57, and their corresponding dependent claims, are patentable over the presently cited art, and request that the rejection under 35 U.S.C. § 103(a) be withdrawn.

Conclusion

Applicants respectfully request the withdrawal of the rejections, and submit that as amended the pending claims 1-4, 7-9, 12-14, 17-20, 23-25, 28-30, 33-38 and 57-61 are patentable the presently cited art. Applicants respectfully request reconsideration of the application and allowance of the pending claims.

In view of the above remarks, a specific discussion of the dependent claims is considered to be unnecessary. Therefore, Applicant's silence regarding any dependent claim is not to be interpreted as agreement with, or acquiescence to, the rejection of such claim or as waiving any argument regarding that claim.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Benjamin Kimes at (408) 720-8300.

Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 022666 for any charges that may be due. Furthermore, if an extension is required, then Applicants hereby request such extension.

Respectfully submitted,

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